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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/800,280

03/12/2004

Thomas S. Neal

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10/17/2006

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EXAMINER

WRIGHT, INGRID D

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/800,280 | Applicant(s) NEAL ET AL. | |
| | Examiner Ingrid Wright | Art Unit 2835 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-21 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/12/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>2 Attachment (3 fig.s shown)</u> . |

DETAILED ACTION

Drawings Objections.

1. The drawings are objected to because the fig. 2 of the drawings of the instant application, illustrates element numbers (32), (38), (50) & (48) pointing to the same location. It is unclear which element is distinguished by (32), (38), (50) & (48).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-12 & 14 & 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by anticipated by Kaminski US 5400902. Note: See attached figures 2,3 & 5 of Kaminski for elements representing claimed limitations in the instant application.

Note: In regards to the claimed limitations: a post comprising a body, and the body comprising first and second components of the instant application, the Prior Art Kaminski details a post (36) comprising a body (see, body of post (36)), the body (see, body of post (36)) comprises first and second components (see, green notation on attached fig. 2,3 & 5 of Kaminski).

With respect to claims 1, Kaminski teaches a post (36) (see, Abstract of Kaminski) for retaining an item (31) in a storage compartment (20) having a side (unlabeled), the post (36) comprising: a body (see, body of components (36)) operable to hold the item (31); and a coupling element (34) operable to couple

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the body (see, body of components (36)) to the side (unlabeled) (see, fig. 3 & 5 for example) of the storage compartment (20) and to allow the post (36) to be pivoted as shown by two different positions (see, for example, fig. 3 for a first position & fig. 5 for a second position).

With respect to claim 2, Kaminski teaches wherein the body (see, body of components (36)) is releasably fastened (via a button (32)) to the side (unlabeled) of the storage compartment (20).

With respect to claim 3, Kaminski teaches a body (see, body of components (36)), which pivotable (see, positions shown in fig. 3 & 5) relative to the side (unlabeled) of the storage compartment (20).

With respect to claim 6, Kaminski teaches the coupling element (34), which includes a protrusion (62) insertable into a hole (area of lower cover insert receptacle (28)).

With respect to claim 7, Kaminski teaches the coupling element (34) includes a protrusion (62) extending from the body (see, body of components (36)), and a hole (area of lower cover insert receptacle) in the side of the storage compartment (20) operable to receive the protrusion (62).

With respect to claim 8, Kaminski teaches the body (see, body of components (36)) is insertable into a hole (76) of the storage disc (31).

With respect to claim 9, Kaminski teaches the body (see, body of components (36)) is insertable into a hole (76) of the storage disc (31), and includes a shoulder (50) to support the storage disc (31) away from the side (unlabeled).

With respect to claim 10, Kaminski teaches the body (see, body of components (36)) which includes a first component (see, green notation on attached fig. 5) and a second component (see, green notation on attached fig. 5), and the coupling element (34) includes: a first element operable (34) to couple the first component (see, green notation on attached fig. 5) to the side of the storage compartment (20) and to allow the first component (see, green notation on attached fig. 5) to be positioned relative to the side (unlabeled) in at least two different positions (as, shown in fig. 3 & 5), and a second element operable (34) to couple the second component (see, green notation on attached fig. 5) to the side (unlabeled) of the storage (20) and to allow the second component (see, green notation on attached fig. 5) to be positioned relative to the side (unlabeled) in at least two different positions (as shown in fig. 3 & 5).

With respect to claims 11, Kaminski teaches a storage compartment (20) comprising a bottom (unlabeled) and a sidewall (not shown in figs, but details an interior with components inside a storage compartment (20) (see, fig. 3 & 5), and a post (36) to be pivoted and operable to retain a storage disc (31), and including, a body (see, body of components (36)) operable to engage the storage disc (31); and a coupling element (34) operable to couple the body (see, body of components (36)) to the bottom (unlabeled) of the storage compartment (20) and to allow the body (see, body of components (36)) to be positioned relative to the bottom (unlabeled) in at least two different positions as shown in fig. 3 & fig. 5).

With respect to claim 12, Kaminski teaches wherein one position of the body (see, body of components (36)) extends from the bottom (unlabeled) into the interior (interior region of lower cover insert tray (28)) substantially perpendicular to the bottom (unlabeled).

Regarding the method claims 14 & 16-20, the method steps recited in the claims are inherently necessitated by the device structure as taught by Kaminski. Kaminski discloses pivoting a body (see,

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body of components (36)) positioned of a post (36) (see, Abstract of Kaminski) relative to a side (unlabeled) of a storage compartment (20); the body (see, body of components (36)) coupled to the side (unlabeled) by a coupling element (34) of the post (36) and engaging a hole (76) in the disc (31) with the body (see, body of components (36)), wherein the body (see, body of (36)) is retained in the position, wherein the disc (31) is supported away from the side (unlabeled), wherein the hole (76) in the disc (31) disengaged from the body (see, body of (36)); wherein the body (see, body of components (36)) positioned relative to the side (unlabeled); and another item (31) is placed in the storage compartment (20), wherein the body (see, body of components (36)) is positioned relative to the side (unlabeled) included the post (36) relative to the side pivoted, the body (see, body of components (36)) positioned relative to the side (unlabeled) included the body (see, body of components (36)) portion disposed below a surface of the side in a receptacle (28).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminski US

5400902.

With respect to claim 4, Kaminski teaches wherein the coupling element (34) is operable to retain the body (see, body of components (36)) and a locking element (78) to retain the body (see, body of

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components (36)) in at least one of the positions, but is silent specifically as to a coupling element, comprising a locking element.

It would have been obvious to one having ordinary skill in the art to include a locking mechanism with a coupling element, over the coupling and locking element of Kaminski, in order to provide an alternate equivalent means of supporting and locking a storage disc within a storage container.

With respect to claim 5, Kaminski teaches at least two different positions, which includes a position where the body (see, body of components (36)) is substantially perpendicular to the side (unlabeled), and where the body (see, body of components (36)) somewhat parallel to the side (unlabeled), but is silent specifically as to the body being substantially parallel to the side.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the body substantially parallel to the side over the configuration of Kaminski, in order to provide a alternate equivalent means of coupling a disc within a storage compartment.

With respect to claim 22, Kaminski teaches a post for retaining an item (31) in a storage compartment (20) having a side, the post (36) comprising a body (see, body of components (36)) operable to hold the item (31) and a coupling element (34) operable to couple the body to the side of the storage compartment (20) and to allow the body to be positioned relative to the side in at least two different positions, but is silent specifically as to the coupling element including a locking element operable to retain the body in at least one of the positions.

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It would have been obvious to one having ordinary skill in the art to include a locking mechanism with a coupling element, over the coupling and locking element of Kaminski, in order to provide an alternate equivalent means of supporting and locking a storage disc within a storage container.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li US 6947280 B2 in view of Kaminski US 5400902.

With respect to claim 21, Li teaches a computer system comprising a housing (41) having a storage compartment (3) to retain an item (see, col. 1, lines 16-29) and including: a bottom (31) and a sidewall (312) that define an interior, and a post (314) operable to retain a storage disc (see, col. 1, lines 16-29), and having: a body (see, body of (314)) operable to engage the storage disc (see, col. 1, lines 16-29) and a processor (inherent) disposed in the housing (41).

Li is silent as to allowing the body (see, body of (314)) to be positioned relative to the interior in at least two different positions and a coupling element operable to couple the body (see, body of (314)) to an interior of the storage compartment (3) and the post being pivotable.

Kaminski teaches a system for retaining an item (31), which allows a body (see, body of components (36)) to be pivoted (see, two different positions of fig. 5 of Kaminski) and a coupling element (34) operable to couple the body (see, body of components (36)) of a storage compartment (20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the body and coupling element as taught by Kaminski in the invention of Li, in order to provide a control system for a storage unit.

Allowable Subject Matter

5. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an Examiner's statement of reasons for allowance: the allowability resides in the overall structure of the device as recited in dependent claim 13, and at least in part, because claim 13 recites: "wherein one position of the body is disposed in a receptacle of the bottom, below a surface of the bottom." The aforementioned limitations in combination with all remaining limitations of claim 13 are believed to render the claims and all claims dependent therefrom patentable over the art of record.

Response to Arguments

6. Applicant's arguments, filed 7/28/06, have been fully considered but are not persuasive.

With respect to Applicant's, regarding an enclosed declaration and the claimed invention was conceived before prior art reference to Li, the Examiner notes that there is not an enclosed declaration that was submitted or entered at the Office. Thus, the rejection, in regards to Li, can not be withdrawn.

With respect to Applicant's argument, regarding the patentability of claim 1,11,14 & 21, the Examiner respectfully disagrees and notes that Kaminski teaches a post, which comprises a pivotable body, as shown in fig. 5 of Kaminski. Thus, all limitations of the instant application is met and the not in condition for allowance.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571) 272-8392. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IDW


LYNN FEILD
SUPERVISORY PATENT EXAMINER

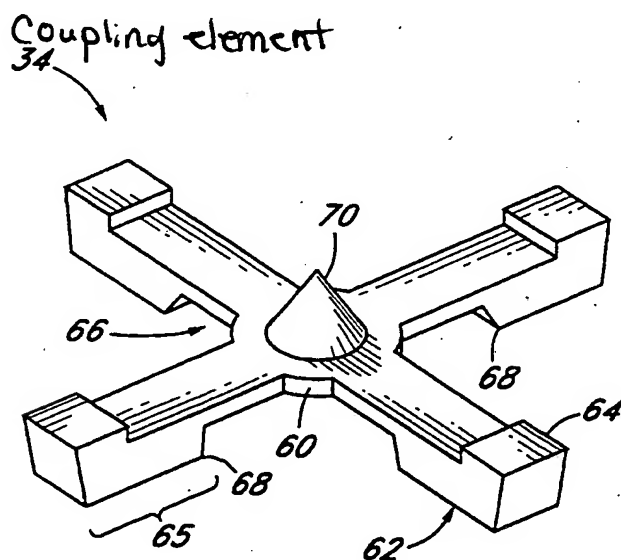
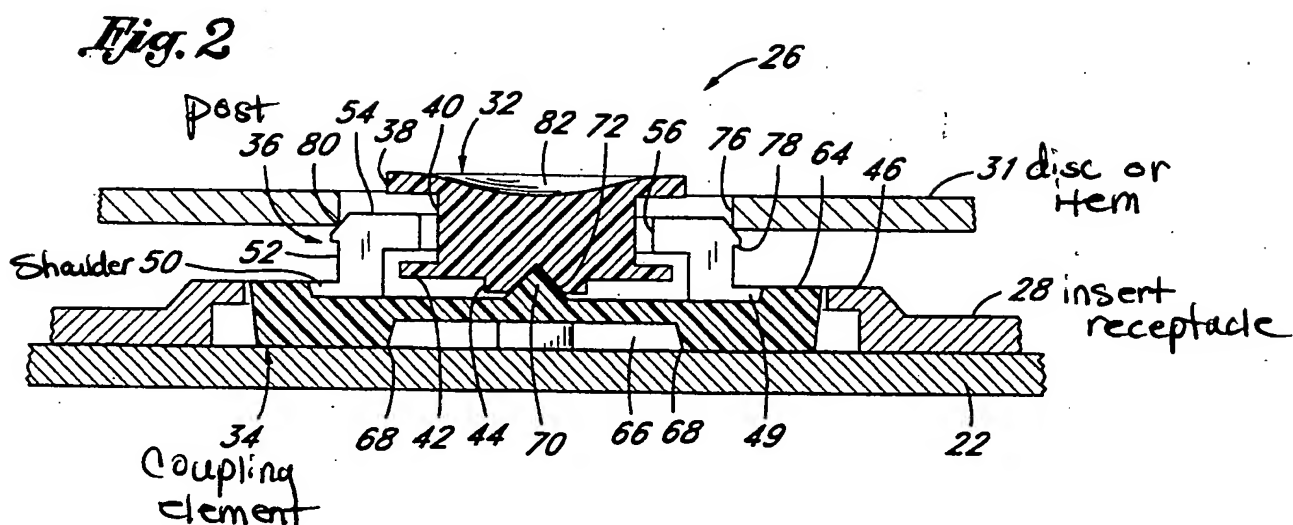


Fig. 4

